

**ORIGINAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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JOHN SWARTZ and JUDY MAYTON-SWARTZ,

Plaintiffs,

-v-

6:09-CV-616

RICHARD INSOGNA and KEVIN COLLINS,

Defendants.  
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**VERDICT FORM**

Dated: April 17, 2013  
Utica, New York

COURT'S EXHIBIT NO. 3

**TRAFFIC STOP**

1. Did defendant Richard Insogna have reasonable suspicion to believe that a traffic violation or criminal conduct occurred prior to stopping the vehicle driven by plaintiff Judy Mayton-Swartz on May 28, 2006?

Yes X No \_\_\_\_\_

If you answered YES to Question No. 1, proceed to Question No. 2.

If you answered NO to Question No. 1, proceed to Question No. 1a.

- 1a. Do you find that a reasonable police officer in defendant Richard Insogna's position could have believed that his conduct was lawful?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered YES to Question No. 1a, proceed to Question No. 2.

If you answered NO to Questions No. 1a, proceed to Question No. 1b.

**Damages plaintiff Judy Mayton-Swartz**

- 1b. Was this traffic stop a proximate cause of compensatory or actual damages to:

Plaintiff Judy Mayton-Swartz Yes \_\_\_\_\_ No \_\_\_\_\_

- 1c. If YES, state the amount of compensatory or actual damages that you award to plaintiff Judy Mayton-Swartz.

\$ \_\_\_\_\_

- 1d. If NO, state the amount of nominal damages that you award to plaintiff Judy Mayton-Swartz, not to exceed one dollar (\$1.00):

\$ \_\_\_\_\_

- 1e. Do you find that plaintiff Judy Mayton-Swartz is entitled to an award of punitive damages against defendant Richard Insogna?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Damages plaintiff John Swartz**

- 1f. Was this traffic stop a proximate cause of compensatory or actual damages to:

Plaintiff John Swartz Yes \_\_\_\_\_ No \_\_\_\_\_

- 1g. If YES, state the amount of compensatory or actual damages that you award to plaintiff John Swartz.

\$ \_\_\_\_\_

- 1h. If NO, state the amount of nominal damages that you award to plaintiff John Swartz, not to exceed one dollar (\$1.00):

\$ \_\_\_\_\_

- 1i. Do you find that plaintiff John Swartz is entitled to an award of punitive damages against defendant Richard Insogna?

Yes \_\_\_\_\_ No \_\_\_\_\_

**FALSE ARREST**

2. Do you find that probable cause existed to arrest plaintiff John Swartz for disorderly conduct on May 28, 2006?

Yes X No \_\_\_\_\_

If YES, proceed to page six, sign in the space provided, and notify the Marshal that you have a verdict.

If NO, proceed to Question No. 2a.

- 2a. Do you find that a reasonable police officer in the defendant officers' position could have believed that probable cause for the arrest was present?

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, proceed to Question No. 3.

If NO, proceed to Question No. 2b.

2b. Who do you find arrested plaintiff John Swartz on May 28, 2006?

Defendant Richard Insogna only \_\_\_\_\_

Both defendants Richard Insogna and Kevin Collins \_\_\_\_\_

**Damages**

2c. Was this arrest the proximate cause of compensatory or actual damages to plaintiff John Swartz?

Yes \_\_\_\_\_ No \_\_\_\_\_

2d. If YES, state the amount of compensatory or actual damages that you award to plaintiff John Swartz.

\$ \_\_\_\_\_

2e. If NO, state the amount of nominal damages that you award to plaintiff John Swartz, not to exceed one dollar (\$1.00):

\$ \_\_\_\_\_

2f. Do you find that plaintiff John Swartz is entitled to an award of punitive damages against defendant Richard Insogna?

Yes \_\_\_\_\_ No \_\_\_\_\_

**MALICIOUS PROSECUTION**

3. Did defendant Richard Insogna file the criminal complaint against plaintiff John Swartz with actual malice?

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, proceed to Question No. 3a.

If NO, proceed page six, sign in the space provided, and notify the Marshal that you have a verdict.

**Damages**

- 3a. Was this malicious prosecution the proximate cause of compensatory or actual damages to plaintiff John Swartz?

Yes \_\_\_\_\_ No \_\_\_\_\_

- 3b. If YES, state the amount of compensatory or actual damages that you award to plaintiff John Swartz.

\$ \_\_\_\_\_

- 3c. If NO, state the amount of nominal damages that you award to plaintiff John Swartz, not to exceed one dollar (\$1.00):

\$ \_\_\_\_\_

- 3d. Do you find that plaintiff John Swartz is entitled to an award of punitive damages against defendant Richard Insogna?

Yes \_\_\_\_\_ No \_\_\_\_\_

Proceed page six, sign in the space provided, and notify the Marshal that you have a verdict.

YOUR VERDICT MUST BE UNANIMOUS.  
ALL MUST SIGN.

Dated: April 17, 2013

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